

ARTICLE LVII.

LIMITATION OF ACTIONS.*

16. Mistake in cause of action; reversal by United States Supreme Court.

1.

Where an amended declaration introduces a new or different cause of action, and makes a different claim or demand, it is equivalent to a new suit, and opens the case to the bar of the statute of limitations. Pleas of limitations held sufficient. *Spencer v. B. & O. R. R. Co.*, 126 Md. 200. And see *W., B. & A. R. R. Co. v. Moss*, 130 Md. 204.

When the only evidence as to when compensation for plaintiff's services was to be paid was, that same should be paid at the death of the decedent, and the services were continued to the time of his death, the statute of limitations was held not a bar. *Marx v. Marx*, 127 Md. 382.

In a suit for neglect of professional duty, the cause of action accrues and the statute begins to run from the time of the breach or neglect, not from the time when consequential damages result or are ascertained. Statute held a bar in suit against a physician. *Hahn v. Claybrook*, 130 Md. 181-2-3-7.

The statute of limitations begins to run in favor of the stockholder as to his liability under article 23, section 116, only from the date of the order fixing the amount to be paid by him. *Mister v. Thomas*, 122 Md. 459.

The question of whether the statute of limitations was a bar to a suit held to be a mixed question of law and fact. When statute begins to run. *W., B. & A. Elec. R. R. Co. v. Moss*, 130 Md. 204.

14.

Evidence held not sufficient to bring a case within this section so as to remove the bar of the statute of limitations. *Schuck v. Bramble*, 122 Md. 413.

This section held to prevent the operation of the statute of limitations. *Peoples v. Ault*, 128 Md. 405.

1918, ch. 128.

16. Whenever a party has a good cause of action, but in bringing suit has mistaken his cause of action and on said wrong cause of action has recovered a judgment or decree, which after being affirmed on appeal by the Court of Appeals of Maryland, has been reversed by the Supreme Court of the United States without a *procedendo* because of the mistake as to his cause of action, suit may be brought on the cause of action on which he is entitled to recover, at any time within two years after the date of such final decree or judgment entered by the Supreme Court of the United States; and this section shall be construed retrospectively as well as prospectively.

*The act of 1917, chapter 19, provides for extending during the world war the time for the institution of legal proceedings because of the absence of the plaintiffs in military or naval service, and in case of the death or insanity of such persons.

The act of 1917, chapter 22, provides for the suspension or stay, during the world war, of civil proceedings at law or in equity instituted by or against persons in the national guard or naval militia, or in the Maryland state guard while in active service, or in the military or naval service of the United States.